

1 HONORABLE JAMES L. ROBART  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9 MICROSOFT CORPORATION,

10 Plaintiff,

11 v.

12 MOTOROLA, INC., et al.,

13 Defendants.

14  
15 MOTOROLA MOBILITY, INC., et al.,

16 Plaintiffs,

17 v.

18 MICROSOFT CORPORATION,

19 Defendant.

No. C10-1823-JLR

**STIPULATION AND (PROPOSED)  
ORDER REGARDING (1)  
AMENDMENT OF MOTOROLA'S  
INFRINGEMENT CONTENTIONS  
AND (2) MICROSOFT'S ANSWERS  
TO COUNTERCLAIMS**

**Noted: Monday, March 5, 2012**

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STIPULATION AND (PROPOSED) ORDER RE  
(1) MOTOROLA'S AMENDED INFRINGEMENT  
CONTENTIONS AND (2) MICROSOFT'S  
ANSWERS TO COUNTERCLAIMS

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## STIPULATION

Microsoft Corporation (“Microsoft”) and Motorola Solutions, Inc. (formerly, Motorola, Inc.), Motorola Mobility, Inc., and General Instrument Corporation (collectively, “Motorola”) stipulate as follows:

## **I. Motorola's Amendment of Infringement Contentions and Microsoft's Amendment of Non-Infringement Contentions**

On September 2, 2011, Motorola served Microsoft with its original Asserted Claims and Infringement Contentions (“Infringement Contentions”) pursuant to the Court’s Standing Order for Patent Cases and the Court’s August 5, 2011 Minute Order Setting Trial Dates and Related Dates. Microsoft’s nonpublic code was produced after the date to provide the Infringement Contentions. After reviewing the code, Motorola on December 23, 2011, served Microsoft with Motorola’s Second Amended Disclosure of Asserted Claims and Infringement Contentions. Based on these circumstance and subject to Court approval, the parties agree that Motorola may formally amend its Infringement Contentions and serve Microsoft with such Amended Infringement Contentions by no later than March 9, 2012.

Subject to Court approval, the parties further agree that Microsoft shall serve Motorola with its Amended Non-Infringement Contentions by no later than May 7, 2012.

## II. Microsoft's Answer to Motorola's Counterclaims

On June 15, 2011, Motorola filed its Answer, Defenses, and Counterclaims to Microsoft Corporation’s Counterclaims Originally Filed in 3:10-CV-699 (W.D.Wis.) (Dkt. 67)<sup>1</sup> and its Answer, Defenses, and Counterclaims to Plaintiff’s Amended and Supplemental Complaint (Dkt. 68).<sup>2</sup>

<sup>1</sup> Upon transfer to the Western District of Washington, this action was assigned Case No. C11-00343-JLR before being consolidated with Case No. C10-1823-JLR.

<sup>2</sup> Filed in Case No. C10-1823-JLR.

1           On July 5, 2011, Microsoft filed its Motion to Dismiss Motorola's "RAND"-Based  
2 Counterclaims (Dkt. 71). On August 18, 2011, Microsoft filed its first Motion for Partial  
3 Summary Judgment, raising issues potentially dispositive of Motorola's RAND-based  
4 counterclaims (Dkt. 77).

5           By Order dated February 6, 2012, the Court granted in part, and denied in part,  
6 Microsoft's Motion to Dismiss (Dkt. 175). By Order dated February 27, 2012, the Court  
7 granted in part, and denied in part, Microsoft's first Motion for Summary Judgment (Dkt. 188).

8           Subject to Court approval, the parties agree that Microsoft shall answer Motorola's  
9 counterclaims by no later than March 9, 2012.

10           DATED this 5<sup>th</sup> day of March, 2012.

11 **AGREED AND STIPULATED TO:**

12  
13 DANIELSON HARRIGAN LEYH &  
14 TOLLEFSON LLP

15 By /s/ Arthur W. Harrigan, Jr.  
16           Arthur W. Harrigan, Jr., WSBA #1751  
17           Christopher Wion, WSBA #33207  
18           Shane P. Cramer, WSBA #35099

19 By /s/ T. Andrew Culbert  
20           T. Andrew Culbert, WSBA #35925  
21           David E. Killough, WSBA #21119  
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## **Counsel for Motorola Solutions, Inc., Motorola Mobility, Inc., and General Instrument, Corp.**

It is so ordered:

1. Motorola may amend its Infringement Contentions and serve Microsoft with such Amended Infringement Contentions by no later than **March 9, 2012**.

## **(PROPOSED) ORDER**

**STIPULATION AND (PROPOSED) ORDER RE (1)  
MOTOROLA'S AMENDED INFRINGEMENT  
CONTENTIONS AND (2) MICROSOFT'S  
ANSWERS TO COUNTERCLAIMS - 3**

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1           2. Microsoft shall serve Motorola with its Amended Non-Infringement  
2 Contentions by no later than **May 7, 2012**.

3           3. Microsoft shall answer Motorola's counterclaims by no later than **March 9,**  
4 **2012.**

5           DATED this \_\_\_\_ day of March, 2012.

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7           HONORABLE JAMES L. ROBART  
8           US DISTRICT COURT JUDGE

9           Presented by:

10           DANIELSON HARRIGAN LEYH &  
11           TOLLEFSON LLP

12           By /s/ Arthur W. Harrigan, Jr.  
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15           Shane P. Cramer, WSBA #35099

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